

# Federal Defenders OF NEW YORK, INC.

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August 14, 2019

**BY CM/ECF**

Hon. Naomi Reice Buchwald  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

*Re: Latie Whitley v. United States*, 16 Civ. 3548 (NRB)  
*United States v. Latie Whitley*, 04 Cr. 1381 (NRB)

Dear Judge Buchwald:

I write, with the government's consent, to update the Court on the status of *United States v. Hill*, 890 F.3d 51 (2d Cir. May 9, 2018), *reh'g denied* (2d Cir. July 24, 2018), and *United States v. Pereira-Gomez*, 903 F.3d 155 (2d Cir. 2018), and to request that the Court lift the current stay and set a briefing schedule.

A petition for certiorari was filed in *Hill* on November 20, 2018 (No. 18-6798). The petition was denied on January 7, 2019. *See* 139 S. Ct. 844.

A petition for certiorari was filed in *Pereira-Gomez* on December 6, 2018 (No. 18-6972). The petition was denied on April 22, 2019. *See* 139 S. Ct. 1600.

Given that *Hill* and *Pereira-Gomez* are now final, I respectfully request that the Court lift the current stay and allow Federal Defenders 30 days—until September 13, 2019—to submit papers addressing the appropriate resolution of Mr. Whitley's pending § 2255 motion. We have no objection to the government being granted an additional 30 days—until October 14, 2019—to file any response.

Counsel for the government, Assistant United States Attorney Andrew K. Chan, does not object to these requests.

Respectfully submitted,

/s/

Edward S. Zas

cc (via CM/ECF):

Andrew K. Chan, Esq.